

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHYLLIS ANDREWS, THOMAS E.
MINOGUE, HERMAN H. TARNOW
and JANE F. SIMS,

Plaintiffs,

V.

ARTHUR B. MODELL,

Defendant.

• • • • •

07 Civ. 3368 (SCR)

Judge Stephen C. Robinson

DECLARATION OF LISA M. NOUSEK

Lisa M. Nousek declares as follows:

1. I am an attorney licensed to practice law in the State of New York, and I am a member of the bar of the United States District Court for the Southern District of New York.
2. I am an associate in the law firm of Boies, Schiller and Flexner LLP, counsel for Plaintiffs Phyllis Andrews, Thomas E. Minogue, Herman H. Tarnow and Jane F. Sims, in the above-captioned matter.
3. I submit this Declaration in support of Plaintiffs' Motion to Remand This Case to the Supreme Court of the State of New York, Westchester County.
4. A true and correct copy of the Memorandum in Support of Plaintiffs' Motion for Reconsideration, filed in *Minogue I* on August 8, 2005, is attached hereto as Exhibit 1.

5. A true and correct copy of Plaintiffs' Memorandum in Support of Their Motion to Remand This Case to The Cuyahoga County Court of Common Pleas, filed in *Minogue v. Modell* ("Minogue I"), No. 1:06-cv-00286-PAG (N.D. Ohio) on March 17, 2006, is attached hereto as Exhibit 2.

6. A true and correct copy of Plaintiffs' Motion for a Preliminary Injunction, filed in *Minogue II*, CV 05 580724 (Ohio Ct. C.P. Cuyahoga County) on December 30, 2005, is attached hereto as Exhibit 3.

7. A true and correct copy of the Declaration of Thomas E. Minogue in Support of Plaintiffs' Motion to Remand This Case to The Cuyahoga County Court of Common Pleas, filed in *Minogue II*, No. 1:06-cv-00286-PAG (N.D. Ohio) on March 17, 2006, is attached hereto as Exhibit 4.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Armonk, New York
July 3, 2007



Lisa M. Nousek